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What Are Not Excuses.—The preference of an older execution over a younger, no excuse. *Bell v. King*, 8 Port. (Ala.) 147. That plaintiff had agreed with defendant to set off a debt, or suspend the levy, constitutes no excuse in the absence of instructions. *Crenshaw v. Harrison*, 8 Ala. 342; *Derby Bank v. Landon*, 2 Conn. 417. It is no excuse that property had been levied on before. *State v. Gemmill*, (Dec. 1855), 1 Houst. 9. The fact that a claim to property had been interposed under a prior levy no excuse for failure to levy a subsequent execution. *Brown v. McCrary*, 30 Ga. 878. Sickness of sheriff is no excuse. *Freudenstein v. McNeir*, 81 Ill. 208; *Campbell v. Luttrell*, 13 Mo. 27. It is no excuse that debtor did not have property enough to pay the whole claim. *Commonwealth v. Hurt*, 67 Ky. 64. Disclaimer of ownership by debtor no excuse. *Bachelder v. Chaves*, 5 N. Mex. 562, 25 Pac. Rep. 783. A fraudulent assignment of goods by debtor does not excuse sheriff from making levy. *Williams v. Lowndes*, 1 N. Y. Super. Ct. (1 Hall) 579. But see: *Reid Co. v. Sundback*, 5 S. Dak. 31. Notice of appeal no excuse. *Clark v. Carnley* (N. Y.), 3 Code Rep. 136. It is no excuse that debtor still has abundant property on which to make a levy. *Ledyard v. Jones*, 6 N. Y. Super. Ct. 67. Debtor's sickness or promise will not excuse a sheriff. *Cowan v. Sloan*, 95 Tenn. 424, 32 S. W. Rep. 388. Unrecorded, secret deed to property to secure other creditors constitutes no excuse. *Grove v. Harris*, 35 Tex. 320. That prior liens exist on property is no excuse to sheriff. *Smothers v. Field*, 65 Tex. 435.—*Central Law Journal*.

CRIMINAL LAW—TRESPASS—HUSBAND ENTERING WIFE'S LAND TO RESIDE THERE AFTER SHE HAS LEFT HIM AND FORBIDDEN HIM TO ENTER.—The right to prosecute a man for criminal trespass in entering upon his wife's land with intent to make his residence there is denied, in *State v. Jones*, 132 N. C. 1043; s. c. 61 L. R. A. 777; 43 S. E. Rep. 939, although she has left him and removed from the premises upon good grounds, for believing that he has been guilty of adultery, and has forbidden him again to enter upon them, and the Constitution provides that property shall be and remain her sole and separate estate.

CRIMINAL LAW—RAPE—SHAM MARRIAGE.—Procuring a woman's consent to sexual intercourse by means of a sham marriage is held, in *Lee v. State*, 43 Tex. Crim. App. 285; s. c. 61 L. R. A. 904; 64 S. W. 1047, to constitute rape, under statutes defining rape as carnal knowledge of a woman without her consent, obtained by force or fraud. Under the Virginia statute, sec. 3680, as amended by Acts 1895-6, p. 673, force is necessary except in cases of children under fourteen and inmates of lunatic asylums, and pupils, who are inmates of deaf, dumb and blind institutions.

PRISON RECORDS—BERTILLON MEASUREMENTS AND PHOTOGRAPHS—ACTION FOR LIBEL—MANDAMUS REFUSED.—*Roland B. Molineaux*, who was acquitted at a second trial upon the charge of murder, made application to

the Supreme Court of New York for a writ of *mandamus* to compel Cornelius V. Collins, superintendent of the prisons of New York, to surrender certain measurements and photographs taken of the relator while incarcerated as a state convict after his conviction at the first trial. *In re Molineaux*, 88 N. Y. Supp. 943. The photographs and measurements were taken in accordance with the Bertillon system, and were made with full sanction of law, and are a part of the prison records. The Supreme Court at special term in Rensselaer county refused to grant the writ. The court holds that these photographs and measurements, like other prison records, are no more harmful to the reputation and character of the relator than are the original information, the indictment, the minutes of the court, the verdict, the record on appeal and all other papers and matters relating to the trial. No duty is imposed by statute upon the superintendent of prisons to surrender them, there being no law requiring the surrender of the records of the prisoner upon a reversal of the conviction; that an attempt to wipe out the record of a criminal conviction upon a reversal of the verdict and an acquittal of the prisoner would be a public inconvenience, if not an impossibility. The opinion, written by Mr. Justice Howard, is sound and founded in good reason, notwithstanding numerous adverse criticisms of a sentimental flavor which have appeared in the public press and in several respectable law journals.—*American Law Review*.

CONDITIONAL SALES—RECORDATION.—In *Berlin Machine Works v. Hilton & Dodge Lumber Co.*, 12 Am. B. R. 149 (rev'g 9 A. B. R. 610), it was held that a statute providing that conditional bills of sale of personal property must be recorded within thirty days from their date, is complied with by a recording within thirty days of the delivery, of the property, that being the real date of the contract.

EFFECT OF WIFE MURDER ON JUS MARITI.—In *Box v. Lanier*, 79 S. W. 1042, it is held that the personal representatives of a husband who has insured his life for his wife's benefit, and then murdered her and killed himself, are not entitled to the proceeds of the policy by virtue of the *jus mariti*. Many cases are discussed, and it is conceded that the weight of authority sustains the proposition that the murder of an ancestor or testator does not incapacitate the heir or devisee from taking property; but, in spite of this, the court maintains the proposition that the estate of the husband cannot profit by his crime. Constitutional provisions that no conviction shall work a forfeiture of an estate, prohibiting bills of attainder, etc., are held not to apply.

MUNICIPAL LAW—CITY'S LIABILITY FOR NEGLIGENT CARE OF PATIENT IN PESTHOUSE.—In *Twyman's Adm'r v. Board of Councilmen of Frankfort*, 78 S. W. 446, a city which, pursuant to authority given it to establish hospitals, etc., establishes a pesthouse and removes thereto a person afflicted with smallpox, and cares for him until he dies, is held not liable, though